IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22382 of 2004

Between:

Smt.Sumitra, W/o. Edula Thimma Reddy,
R/o Sangala Village, Gadwal Mandal, Mahabubnagar District.

..... PETITIONER

AND

1 The District Collector, (Civil Supplies), Mahabubnagar.
2 The Sub-Collector/Revenue, Divisional Officer,

Mahabubnagar District.
3 The Mandal Revenue Officer, Gadwal Mandal, Mahabubnagar

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ, Order or a direction, more particularly one in the nature of writ of mandamus declaring the proceedings No.G/2092/03, dt. 18.7.2003 of the 2nd respondent herein and consequential orders of the 1st respondent bearing No. CS1/965/2004, dated 23.11.2004, as being arbitrary, illegal, unreasonable and unconstitutional and consequently set-aside the same.

Counsel for the Petitioner: MR.P.VENKAT RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The authorization of the petitioner was suspended through proceedings, dated 18.07.2003, by the 2nd respondent on the ground that she has issued drought rice of Qts. 4.50 Kgs to the Upa-Sarpanch, on production of (100) Coupons alone. The petitioner waited obviously for service of a show cause notice by the 2nd respondent and for conclusion of the proceedings. When there was no progress, she preferred an appeal before the 1st respondent, in the month of October 2004. Through endorsement, dated 23.11.2004, the 1st respondent rejected the appeal as time barred. Hence, the petitioner had approached this Court seeking appropriate relief.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Basically, the allegation against the petitioner is not that she has resorted to any acts of diversion of essential commodities to black market. The 2nd respondent did not even suspect the genuinity of the coupons. The allegation against the petitioner was not even verified by calling upon the petitioner to explain.

Whatever may have been the justification in suspending the authorization of the petitioner on such an allegation, there cannot be any basis in not taking further steps in the proceedings. If the 2nd respondent has not chosen to issue show cause notice by this time, this Court would be forced to presume that the suspension was resorted to as a vindictive measure. The petitioner cannot be required to wait any further.

Hence, the writ petition is disposed of directing the 2nd respondent to pass final orders on the proceedings that have been initiated against the petitioner, within four weeks from the date of receipt of a copy of this order. In case, no orders are passed within four weeks, the order of suspension passed against the petitioner, shall cease

to be operative, and the petitioner would be entitled to function as fair price shop dealer. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 10th December, 2004

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To

1 The District Collector, (Civil Supplies), Mahabubnagar.
2 The Sub-Collector/Revenue Divisional Officer,

Mahabubnagar District.
3 The Mandal Revenue Officer, Gadwal Mandal, Mahabubnagar

District.

4. 2CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad(OUT).

5. 2CD copies